

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SAMUEL SALLOUM,

Plaintiff,

Case No. 19-cv-13505  
Hon. Matthew F. Leitman

v.

CHARLES KABLE IV, *et al.*,

Defendants.

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**ORDER (1) GRANTING DEFENDANTS' MOTIONS TO BIFURCATE  
BRIEFING ON PLAINTIFF'S MOTION TO COMPEL (ECF No. 47) AND  
FOR EXTENSION OF TIME (ECF No. 48) AND (2) SETTING BRIEFING  
SCHEDULE ON PLAINTIFF'S MOTION TO COMPEL DISCOVERY**

On December 21, 2021, Plaintiff Samuel Salloum filed a motion to compel discovery in this action. (*See* Salloum Mot. to Compel, ECF No. 46.) On January 10, 2022, Defendants filed a motion to bifurcate their response to the motion. (Defs.' Mot. to Bifurcate, ECF No. 46.) Defendants proposed that the Court consider the motion in two phases. First, the parties would brief, and the Court would consider, all of Defendants' defenses to the motion to compel except for defenses under the state secrets privilege. Second, if the Court were inclined to order the production of any documents after phase one, it would provide the Defendants an opportunity to raise its defenses under the state secrets privilege. (*See id.*) Defendants have also filed a motion to extend the time to respond to the motion to compel. (*See* Defs.' Mot. to Extend, ECF No. 47.)

The Court held an on-the-record video status conference with counsel for all parties on January 24, 2022. For the reasons explained during the status conference, Defendants' motions to bifurcate and to extend the time to respond to the motion to compel are **GRANTED**. As the parties agreed during the status conference, the briefing schedule for the motion to compel shall be as follows:

- Defendants shall file their "phase one" response to Salloum's motion to compel by no later than **February 23, 2022**. In this response, Defendants shall raise any and all defenses to the motion to compel *other than* defenses under the state secrets privilege.
- Salloum shall file a reply to Defendants' "phase one" response by no later than **March 23, 2022**.
- If the Court's ruling on Defendants' "phase one" defenses would require the Defendants to produce any documents to Salloum, the Court will allow the Defendants to file a "phase two" response raising the state secrets privilege as a defense to production of those documents. If such a "phase two" response becomes necessary, the Court will set a briefing schedule for that response after further discussion with the parties.

**IT IS SO ORDERED.**

Dated: January 24, 2022

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 24, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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